

**OFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
MARCH 13, 2018**

The Planning Commission of the City of Monterey Park held a regular meeting of the Board in the Council Chambers, located at 320 West Newmark Avenue in the City of Monterey Park, Tuesday, March 13, 2018 at 7:03 p.m.

CALL TO ORDER:

Chairperson Larry Sullivan called the Planning Commission meeting to order at 7:03 p.m.

ROLL CALL:

Planner Tewasart called the roll:

Board Members Present: Larry Sullivan, Delario Robinson, Theresa Amador, Ricky Choi, and Eric Brossy De Dios

Board Members Absent: None

ALSO PRESENT: Karl H. Berger, Deputy City Attorney, Michael A. Huntley, Director of Community and Economic Development, Samantha Tewasart, Senior Planner

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS: None

ORAL AND WRITTEN COMMUNICATIONS: None

[1.] PRESENTATIONS: None

[2.] CONSENT CALENDAR: None

[3.] PUBLIC HEARING:

3-A CONTINUE – CONDITIONAL USE PERMIT (CU-15-04) TO ALLOW FOR A HOSPITAL USE WITH AN ANCILLARY HELIPORT IN THE O-P (OFFICE PROFESSIONAL) ZONE – 1977 SATURN STREET

Director Huntley provided a summary of the staff report. He stated that the application was first presented to the Planning Commission at the February 27, 2018 meeting. Due to concerns raised by the neighbors associated with the ancillary use of the heliport and noise associated with the ancillary use, the City Attorney's Office recommended continuing the item to allow the public adequate time to review the technical noise analysis report before the Planning Commission considered the item. However, due to the large number of individuals who were at that meeting public testimony was allowed. Following the testimony the City Attorney's Office recommended that the item be left opened and not for the Planning Commission to make a determination at that meeting. The Planning Commission had a number of concerns at that meeting and after they ended the hearing on that matter staff was directed to evaluate a number of questions and concerns that had arisen at that meeting.

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Subsequent to the Planning Commission packet going out for this meeting some additional information came to light to the City. This information has changed the direction of the proposal. Planning Staff had conducted a review of the City files regarding heliports, but it was only after receiving information from a community member about actions taken by the City in 1985 that the City Clerk's Office was able to identify Ordinance No. 1627 associated with actions taken by the City Council at that particular time to remove airports, heliports, and helipads from the City's codes. Those uses were removed as permitted uses that would be subject to a conditional use permit. However, based on the way that that ordinance was written it did not outright prohibit those types of uses from the code. Staff then sat down with the applicant, conveyed the information, shared the ordinance with them and indicated that the City could not move forward with the recommendation to approve the application if the heliport was left in the proposal. The applicant then submitted a letter to the City removing the heliport as part of their proposed use. The proposal now is to move forward with a proposed hospital use only.

The recommendation to the Planning Commission is to re-open the public hearing, note that OneLegacy's application was amended to remove the request for the ancillary heliport, consider testimony only as it applies to a hospital use and take the appropriate action tonight. Upon making a decision, the Planning Commission would direct staff to return at the next Planning Commission meeting with a resolution and conditions of approval that reflect the decision tonight. The existing resolution and conditions of approval included in the packet would have to be amended to take out any references to a heliport or anything of that nature.

Attorney Berger added that the recommendation is to make a decision with regards to the conditional use permit as to the hospital use only and also to direct Planning Staff to request that the City Council make it clear in the municipal code via a newly adopted ordinance that there is a prohibition on airports, helipads, and heliports within the City so that we are not faced in the future with the same situation as we are now.

Chairperson Sullivan re-opened the public hearing.

Speaker Tom Mone stated that the OneLegacy team spent a good deal of time working with the community this weekend prior to learning about the previously unidentified law prohibiting a heliport and there was constructive dialogue with the community. They recognize the needs and concerns of the neighbors. Despite not being able to have the heliport, their assessment of the value of being a part of the Monterey Park community and the 1977 Saturn building, as bringing real advantage to their ability to serve donor families and waiting recipients from across southern California and to serve the community here as well where they currently recover donors at the Garfield Medical Center.

Proponent Erik Jiang, Associate Administrator at Garfield Medical Center, stated that on behalf of their governing body and CEO Patrick Petre, he is present to offer their support for OneLegacy and its plan to move its operations to the Saturn building and become a part of the Monterey Park community. Garfield Medical Center has worked with OneLegacy for almost 20 years to support and help individuals and families 24-hours a day to give powerful meaning to their lives through the donation of organs and to help recipients on a

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long waiting list from our community, region, and across the country. With the new transplant recovery center OneLegacy will be able to save more lives at less cost and it has the potential of freeing Garfield Medical Center's beds and operating rooms so they can rapidly and effectively serve the community's patients. Beyond the benefits to their own institution and to the hospital community, OneLegacy will be able to bring highly skilled 250 health care professionals to the City and will become a part of the community.

Opponent William Asevo, 1954 Fulton Avenue, in front of La Loma Park, stated that he has been a nurse since 1980 and about six or seven years ago National Geographic had a special called Build Me a Body on stem cells, which leads to the fact that organ donation will be on its way out and the fact that science has come a long way by leaps and bounds. He is glad that the heliport is not going to happen.

Opponent Nancy Arcury, 1021 Mooney Drive, stated that she has been a Monterey Park resident since 1971 and is glad that OneLegacy pulled the application for the heliport. She questioned the definition of a hospital because the applicant will not be providing medical services to the general public. She inquired about the financial impacts.

Opponent Paul G. Perez, 2360 Westcott Avenue, stated that he has lived in City since the mid-1960s and is concerned about the City's future and its safety. He expressed concerns about the materials that helicopters are constructed with.

Opponent Margaret Leung stated that she has questions about the how the project was handled and the speed which it was handled with. She did not know the City had a special program where folks can pick and choose which part of the municipal code to follow. She stated that the use for a medical office and clinical use is expressly prohibited and that is what OneLegacy is using this property for. For this property, the requested conditional use permit can be looked at as a request for a code variance and a request for a code variance should not be granted without a reason of hardship and until other avenues have been exhausted. Accepting a variance as a normal way of business will be a detriment to the City. The application also requested for a heliport with a dangerous flight path through Edison's high voltage transmission towers and substation. This is in direct violation of Monterey Park's General Plan Policy 7.2, which restricts the establishment and use of heliports. This specific policy was written and incorporated into our General Plan by the City Attorney in 1985 to protect the residents. In addition, the staff report cites that the City Council plainly understood at the time of Chapter 9.06 was not enforceable. It was amended for symbolic purposes. The FAA regulates all commercial crafts. The City does not have the legal authority to enforce Chapter 9.06. That chapter is not considered as part of the Planning Commission's analysis for the staff report. She stated that Monterey Park has been fighting the LAX and FAA and using the Monterey Park air space as a turn around.

Opponent Montebello Councilwoman Vivian Romero stated that the courts have determine that local residents in a particular effected area residing 20 plus years are considered experts of aesthetics and it seems like the public noticing was not done properly. The noise analysis was hired by the applicant. She did not care that the analysis was peered reviewed by an environmental consultant. It should have been done by the City. It was

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prejudice by the applicant. She agrees with the former comments about the LAX fly over. She has been a part of that round table. The planes are flying low and the helicopters now are going to be right over the Montebello area. They were not noticed and they are impacted. She is not sure the helicopter size in the staff report is accurate. She questioned the environmental and public notification.

Opponent Randall Mikuriya, 700 Taylor Drive, stated that he provided two articles to the Planning Commission in regards to OneLegacy's background. He stated that OneLegacy portrays itself as nonprofit and save lives, but they have some issues. As far as businesses applying for permits and wanting to be a part of the City due diligence should be looked into in regards to these companies. He stated that he does not understand the defense of calling this location a hospital.

Opponent Wendy Nakamura, 700 Taylor Drive, provided two minutes to Opponent Maychelle Yee.

Opponent Maychelle Yee, 722 Taylor Drive, stated that the Commission yield a great deal of power and responsibility in the decisions that are made and trust that the Commission will do its job fairly and without bias. Two, unfortunately, have demonstrated incapable of doing such and do not have the moral compass to do the right thing. She stated that Commissioner Choi at the last hearing rather than discussing the matter hand spent the entire time thanking the applicant for special favors received. Whether or not there are any financial gain it is still a violation and an ethics issue and it was inappropriate and out of line and out of common decency and integrity and you should recues yourself of any matter pertaining to OneLegacy. She stated that Commissioner Sullivan flaunted his relationship with OneLegacy's CEO and indicated that he had already made up his mind on the matter and you too should recues yourself from the vote.

Opponent Eva and Gloria Chavez, 2028 Clover Drive, stated that she is unclear as to whether this project can define itself as a hospital, clinic, medical center, or type of viable public medical treatment facility.

Opponent Yvonne Wong, 1942 Magnolia Drive, stated that the City should not just rely on hosting something at City Hall, the Library and Langley Center. There should at least be an article in the Cascades or notify all the residents.

Opponent Armen Sebastian, provided the Planning Commission with Monterey Park Municipal Code §§ 21.04.079 and 21.04.629 and stated that the applicant does not provide intensive hospital care and that a medical office is expressly prohibited in the area. He stated that he is requesting CEQA on the project.

Opponent Jason Dwing, 568 Casuda Canyon Drive, stated that he is a resident of Monterey Park for more than 20 years and inquired if the city is hurting so much that every rule and logic has to be bent to feed a business. He wants Monterey Park to be a business friendly city but if the city has to endanger its citizens for the sake of trying to bring in a business it is not worth it. The Planning Commission's primary duty is to its citizens and its citizen's welfare.

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Opponent Steve Scharf, 592 Taylor Drive, stated that once the facility is occupied what is to keep a heliport request from coming back in the future. He is questioning the permanency of the law. He stated that he has worked in health care for 10 years in a prominent hospital in the San Gabriel Valley and he has worked with OneLegacy staff at the hospital. He expressed concerns about the definition of this facility being a hospital. The purpose of this facility will be bringing in brain dead patient into the facility to extract organs which are then sent to where they will be transplanted. He stated that a common definition, not legal, in the dictionary is a place where sick or injured people are given care or treatment or where their children are born. There is an assumption that a hospital is about treating those who are already alive towards full recovery. He stated that the facility is a surgical lab where organs are extracted and passed onto people who can use those organs. A worthy cause but it is not a hospital.

Opponent Dave Jones, 599 Taylor Drive, stated that he has lived in Monterey Park for over 40 years. He has lived on Taylor Drive for over 25 years. He worked on Saturn Street for over 20 years, include 1977 Saturn Street. There has been a lot of energy and passion surrounding OneLegacy's request for a conditional use permit to allow for a hospital at that address. This is understandable. People are passionate about their homes. You must apply law that already exists to determine specific rights based upon specific facts ascertained from the evidence adduced at this hearing. The law is clear on this matter. California Health and Safety Code § 12.50 provides a definition for health care facilities and hospitals.

Opponent Julie Pang-Cortez, 1804 Fulton Avenue, stated that her family has been a part of Monterey Park since the 1960s. She is a member of the Community Participation Committee and teaching staff in the Montebello School District. Lots of students get very uncomfortable every time a helicopter goes by. It makes them feel unsafe.

Opponent Evelyn Moreno, 1974 Fulton Avenue, cited the zoning codes.

Opponent Matt Lim, 1590 Star Ridge Drive, questioned the categorical exemption.

Opponent Maychelle Yee, 722 Taylor Drive, stated that the City of Monterey Park does not have jurisdiction over licensing or permitting a hospital. A hospital cannot be arbitrarily defined when the State has already clearly defined those perimeters. She stated that there are four Commissioners present with no expertise with planning or building codes and one that is working in this industry. They rely on the Planning Department to provide that information to them. The fact that the City would like to omit information and disregard providing them with the proper information that they need to make a well informed decision is concerning. She questioned if the issue is competency or integrity. She stated that an environmental impact report should have been done.

Opponent Dennis Lin stated that he has been a resident of Monterey Park since 1980. He inquired if a hospital needs to be joint commissioned accredited or oversight by a governing body. He inquired if there will be a healthcare team, diagnostic lab, rehabilitation, emergency services for it to be considered a hospital.

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Proponent Dr. James Atkinson stated that he is a member of the board at OneLegacy and a pediatric surgeon and practice at the University of California Children's Hospital since 1980 and UCLA as a transplant and recovery surgeon. He has participated in the operations and care of these families who are donors as well as recipients. The activity that is proposed to take place at this facility here is a new way of handling organ procurement that is being developed around the country. This facility will perform the same care that these patients are currently receiving in the hospitals where they are declared brain dead. They are having difficulties in doing that in hospitals where the patient expires and become donors because operating rooms are full. There are long waits for recipients to have their organs procured and they are losing organs, which is a critical resource in this country because of that delay. This idea to create a hospital facility, which can bring those donors to this location and recover those organs in a timely manner, is critical. It is important to understand that this does not exactly fit into the definition of a hospital but in fact it will have critical care units, nurses 24-7 to take care of the donors, there will be operating rooms that are state of the art, there will be sterile processing procedures and everything else that fits the hospital definition. There is no question that this is a hospital function.

Applicant Tom Mone stated that he would like to echo Dr. Atkinson's comments that this is a new procedure around the country, but they are far from the first. Having a dedicated transplant/recovery facility, sometimes called a hospital, sometimes called a recovery facility. It was started first 20 years ago in Saint Louis and has been shown to lead to more lives saved at a lower cost and benefit the community as a whole and across the county. This is now in place in over a third of the organ recovery programs across the country. In some areas they are operated in areas know as commercial zones, in some areas they are licensed as hospital uses depending upon the community. This is a pioneering use for this region, but it is more commonly done around the country. OneLegacy opened its first recovery center in the City of Redlands back in November 2017 within an existing commercial zone. However, each city makes it own determination in defining the use. They are certainly a hybrid. The OneLegacy use will reduce the traffic by three quarters and be only one quarter of what the traffic was when it was a bank processing center. The property has 780 parking spaces and an average day will have only 120 cars. The noise issue has been resolved by the City's recognition of the pre-existing law that was previously unknown. OneLegacy does not have any plans to come back to the City to seek a heliport at any time in the future.

Chairperson Sullivan closed the public hearing.

Commissioner Brossy de Dios stated that he has four points that he would like to cover. The first is given the range of concerns regarding the definition of a hospital versus a medical office use and inquired if the City Planner could clarify the approach to having defined this use as a hospital with the understanding that an organ recovery center is not something that is listed use in the Zoning Code, so a judgment has to be made. However, for the benefit of this discussion here it would be helpful to understand the logic behind that designation in this report.

Director Huntley replied that as the public has indicated a couple of different times they have pointed out some of the components of the local ordinance, which as the Economic

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and Community Development Director and as the City Planner, is able to interpret certain components of the code. When cities implement the zoning code it is broken up in residential, commercial, and industrial areas and as part of that there are allowed primary uses within each of those sections. Within there, there are a variety of uses which are permitted by right, not permitted, or subject to a conditional use permit. When it is subject to a conditional use permit, it is a use that may not quite fit but it is also a type of use where there are typically associated impacts so conditions of approval are added to mitigate those. This lays the groundwork.

When looking at certain types of uses, city zoning codes provide so much generality with the types of uses that are allowed in the code. If every single use was put into the code, it would be a huge document and it would never get implemented. As such, cities are given some flexibility in regards to interpreting certain types of uses and what is allowed within the code. Also, technology changes very quickly and probably more than fifty percent of the businesses that come to the planning counter do not specifically meet it verbatim. As such we have to look at the different components of the operation and how does it closely meet a specific use within our code.

With this specific use, the applicant described their use to staff, but even more than describing their use they have shared their plans in front of all the Commissioners that do identify what the operations are within the building. There have been comments about the use being a medical office, but in looking at the floor plan medical offices do not have operation rooms and some of the clinical components that have been described by the applicant. Many of these components are the same components that hospital types of uses do provide. Not all hospitals offer the same types of treatment either. In looking at the floor plans and operations description to staff it best fit a hospital use.

If this was some other type of use, it may not have been subject to a conditional use permit, but because hospitals vary in their types of operation the conditional use permit allows the city the flexibility to add conditions to potentially mitigate any of the impacts that might be associated with said use. To staff this looks like a hospital oriented type use with all the activities that are provided in it. It is a hybrid. However, if you go to any zoning code in the county and try to find an organ recovery or procurement use it would be difficult to find. It would be difficult to find some of the more technical hospital oriented uses in any zoning code. What is being applied today is the City's local ordinances and land use policies with the understanding that there are other outside regulatory agencies like the State of California that specifically will have their own licensing definitions, but the City's codes does not specifically say that the city has to follow the definition of what the state certification is for a hospital facility. So based on the information provided the closest use, with the understanding that this is a hybrid use, would be a hospital oriented use.

Commissioner Brossy de Dios stated that obviously there is a great deal of passion around this agenda item. As mentioned at the previous meeting, particularly in relations to the question of the formerly proposed heliport that some sort of CEQA process should have been followed and that would have initiated a longer review period and a wider noticing that might have addressed some of the concerns. With the withdrawal of the heliport component that is a moot point. There was some mention of the nature of the business of OneLegacy

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and how it operates. The Planning Commission is somewhat limited in its ability to consider such issues. The findings are limited to those of health and safety and not necessarily of the internal workings of an organization.

He stated that if the Commission chooses to have this item revised and proposed at the next meeting he would ask that in addition to striking all the information about the heliport that there should be some reference that this proposal does not include authorization of a heliport simply because it was previously done. He recommended that given the rapid changing technological scenario that exists today, the use of drones was mentioned and similar to heliports may not have been adequately addressed in the zoning code. He requested that when staff returns with a revised resolution that that be looked at and identify what the implications might be in terms of granting a conditional use permit and whether this Commission has any authority or need to request that kind of authority from the City Council.

Commissioner Choi stated that he appreciates the participation of all the residents and all of the public comments. There is a lot of passion on both sides. There are questions and concerns from neighbors and rightfully so because it is an important issue in the community. Residents have the right to ask questions and the applicant needs to address these questions in response to the concerns.

He addressed how his comments from the prior meeting were misconstrued. He stated that he had no prior communication with the applicant either at or before the meetings. Welcoming a potential organization looking to locate to the City is not a conflict of interest and there are no financial gains. Any and all businesses and organizations should be embraced. For the interest of transparency, he indicated that he was familiar with the OneLegacy organization and the work that they do. With regards to the nonprofit organization that he referred to, OneLegacy has worked with the organization, but the details he is not familiar with. A nonprofit and a nonprofit working together are common. He has always been objective in all his dealings with regards to any item that comes before the Planning Commission. He has been on the Commission for 5 years now and is truthful, objective, and impartial in any and all of the items that come before the Planning Commission. He stated that was prepared to propose a number of tough conditions of approval in an effort to find an amicable solution for the heliport, but that has resolved itself.

Now the application is for a conditional use permit to allow for OneLegacy to occupy a vacant building that has been vacant for a number of years now and to operate with a designation as a hospital. He stated that he wanted to separate the ongoing plane and aircraft noise issue in the City from the consideration of the conditional use permit. He understands that it is an important issue, but that battle is with the FAA and it will be a long term battle and it should not be taken out on this applicant. The City had amended the municipal code to modify the flight altitudes late last year, but it is not enforceable because the FAA holds jurisdiction above the nation's air space. With regards to this conditional use permit the Planning Commission does have discretion, so they are going to look into this fairly and take appropriate action.

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He stated that the last item is with regards to public notification. State law requires that prior to a public hearing notice shall be given to all property owners within 300 feet of a subject property. It does not however require this legal notification to be translated into multiple languages but a local agency at their discretion may give notice with regards to a hearing in any other manner they shall please. Given the fact that the demographics is as such, there are a lot of residents in the city that only speak and read Chinese, Spanish, or any other language, that is something that the City can look into. It is something that he had advocated for 5 years ago and expanding the notification radius from 300 feet to 500 feet. He requested that staff bring the matter back at another date on the Planning Commission calendar for a full discussion and constructive dialogue on how to move forward with regards to that.

Commissioner Amador stated that she is a community volunteer and not an attorney or an engineer or a planner, but she is a resident and proud to serve on the Planning Commission. She stated that she did have a lot of questions that have been answered. A lot of speakers spoke about the definition of a hospital, clarification on zoning, and the reason for the CEQA determination. She appreciates all the speakers for coming out, that is a part of our democracy and our process. The Planning Commission's responsibility is to listen and to listen to both sides. She is saddened that some of the speakers took to personal, negative feelings towards some of the Commissioners and hope that we can all act as professionals and be responsible and courteous to one another.

Commissioner Robinson stated that he is a 15 year resident of Monterey Park. He visited the subject property and was concerned that the heliport would be an issue instinctively. As far as what he analyzed of OneLegacy he appreciates the organization and what they are trying to do and his only concern was the heliport. He believes the process should be given a chance.

Commissioner Amador inquired if Commissioner Brossy de Dios is recommending that drones be included in the prohibition. Commissioner Brossy de Dios clarified that what he is requesting simply because it was mentioned in the public testimony that the evolving technology of drones may soon if not already facilitate what was previously proposed to be done by a helicopter and that is not something that our zoning code necessarily anticipates. So he was asking staff to look into the issues regarding that and report back.

Commissioner Amador inquired if the request is to permit or prohibit drones. Commissioner Brossy de Dios replied that it was connected to his request that when the resolution is redrafted that it include mention that airports, heliports, and helipads not be included as part of this application and were it to be considered to would be in violation of the conditional use permit. His request to staff is look at the use of drones since there is currently is no language in the zoning code and whether that has any bearing on this proposal or should be considered in the conditions of the use.

Chairperson Sullivan stated that he wanted to respond to the comment about how he addressed the gentleman who is the president of the company. At time when he did that the gentleman in his presentation had referred to the fact they were supportive of events and giving to organizations that are in support of autism and Alzheimer and things of that

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sort. He referred to the fact that he is an active participant with raising funds for the American Cancer Society. He and his wife have spent an exorbitant amount of time and years in raising money for the American Cancer Society. So his response to him was that they have a common interest. He stated that the Planning Commission's responsibility is not to analyze or talk about the company's business plan and what their business model is, that is not their function. They are here to help define that business and the building that they are going to use to conduct the business. How they run their business or where they get their business model from is not within their purview.

He stated that one of the speakers has been very adamant about the whole thing with the FAA and he is sensitive to that. He stated that there was a meeting about this a couple years ago and they speaking this very issue about helicopter in the city and he asked at the time if that meant that they regulate the Fire and Police Department. They have a different set of rules that they go by. Not everything can be mandated or regulated. The issue is not a debt issue, but that is not what they are here for tonight.

Attorney Berger stated that the recommendation is to vote on whether to approve or disapprove the application and then come back with a draft resolution at the next meeting to memorialize the decision tonight. That would not be a continuance of the public hearing. It would simply in essence be a ministerial action to adopt the resolution based upon the Commission's direction tonight. He wanted to make one mention about the heliport issue. There was a public comment about the applicant entering into a contract to make sure that they would not come back with regards to heliports. The Commission can actually impose a condition that that never happens and since that is in conformance with what the municipal code will in the future say based upon recommendations from the Planning Commission and City Attorney's Office and make it clear that heliports are prohibited in Monterey Park. It can be added as a condition of approval if the Commission decided to approve the project and it would be brought back as part of the draft conditions of approval.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing **approved** the requested conditional use permit for a hospital use for 1977 Saturn Street and **directed** staff to prepare a resolution for consideration at the next regularly scheduled of March 27, 2018 which would approve the conditional use permit for a hospital use only and at that point a decision can be made as to whether or not adopt that draft resolution.

Motion: Moved, by Commissioner Brossy de Dios and seconded by Commissioner Choi, motion carried by the following vote:

Ayes: Commissioners: Sullivan, Robinson, Amador, Choi, and Brossy de Dios
Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: None

Action Taken: The Planning Commission after considering the evidence present during the public hearing **recommended** to the City Council to look at the airport, helipad, and heliport language in the 1985 Ordinance.

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Motion: Moved, by Commissioner Amador and seconded by Commissioner Robinson, motion carried by the following vote:

Ayes: Commissioners: Sullivan, Robinson, Amador, Choi, and Brossy de Dios
Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: None

3-B CONDITIONAL USE PERMIT (CU-17-10) TO ALLOW FOR A WIRELESS TELECOMMUNICATION FACILITY (VERIZON) IN THE O-S (OPEN SPACE) ZONE – 1909 FULTON AVENUE

Action Taken: The Planning Commission **continued** the requested conditional use permit for a wireless telecommunication facility for 1909 Fulton Avenue to a date uncertain.

Motion: Moved, by Commissioner Brossy de Dios and seconded by Commissioner Robinson, motion carried by the following vote:

Ayes: Commissioners: Sullivan, Robinson, Amador, Choi, and Brossy de Dios
Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: None

3-C TENTATIVE MAP NO. 82024 (TM-18-02) TO ALLOW FOR THE SUBDIVISION OF AIR-RIGHTS TO ESTABLISH AND MAINTAIN A 3-UNIT RESIDENTIAL DEVELOPMENT IN THE R-3 (HIGH DENSITY RESIDENTIAL) ZONE – 217 NORTH NICHOLSON AVENUE

Planner Tewart provided a brief summary staff report.

Chairperson Sullivan opened the public hearing

Applicant Perry Chan stated that he is present on behalf of the property owner.

Commissioner Brossy de Dios inquired about the site and driveway layout. Planner Tewart replied that the city's codes require the driveway to be offset. Commissioner Brossy de Dios inquired about the common open space and expressed concerns not so much the letter but the spirit of the code. The fact that the common open space is tucked back so far into the property behind all the other units that essentially the common open space will effectively become units three's backyard.

Chairperson Sullivan closed the public hearing.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing **approved** the requested tentative map for 217 North Nicholson Avenue.

Motion: Moved, by Commissioner Robinson and seconded by Commissioner Amador, motion carried by the following vote:

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Ayes: Commissioners: Sullivan, Robinson, Amador, and Choi
Noes: Commissioners: Brossy de Dios
Absent: Commissioners: None
Abstain: Commissioners: None

3-D CONDITIONAL USE PERMIT (CU-17-14) TO ALLOW FOR A MASSAGE ESTABLISHMENT IN THE C-S, P-D (COMMERCIAL SERVICES, PLANNED DEVELOPMENT) ZONE – 109 NORTH SIERRA VISTA STREET

Planner Tewasart provided a brief summary of the staff report.

Commissioner Choi inquired about the total number of massage establishments. Planner Tewasart replied 14 or 15. Commissioner Choi inquired if there are any within the immediate vicinity. Planner Tewasart replied no, closer to the downtown area. Commissioner Choi inquired if there have been any code enforcement issues. Planner Tewasart replied that according to the Police Department there have been no issues.

Commissioner Amador stated that she observed that the men's changing room is substantially larger than the women's. Director Huntley replied that the floor plan is per code and dimensions are not too far off. The men's changing room is a little wider.

Commissioner Amador inquired if the City has a limit on massage establishments. Director Huntley replied that there are some cities that have had more of a problem with massage establishments for the reasons that we are all concerned about, but far as this city goes staff spends a lot of time talking with our police department and based on their feedback they really have not had any significant issues in recent times with these. Those willing to take the time and energy to go through this process tend to be more reputable and we have not had any issues with those. If the Police Department had brought to our attention that there are some issues with massage establishments then maybe we would be appropriate to set distance requirements or maximums within the City, but there has not been an impetuous for staff start looking into these factors.

Commissioner Amador inquired if for the next conditional use permit application for a massage establishment if a map can be provided showing the location of all the massage establishments in the City. Director Huntley replied yes.

Commissioner Robinson stated that this is a free enterprise system and we are business friendly.

Chairperson Sullivan opened the public hearing.

Representative Bryant Nguyen stated that he is present on the behalf of the applicant.

Chairperson Sullivan inquired if the business owner had a similar business in a different city and is relocating. Representative Nguyen replied in San Gabriel. Chairperson Sullivan inquired if they are relocating because of issues. Representative Nguyen replied no issues. They just want to move closer to their home.

MISSION STATEMENT

The mission of the City of Monterey Park is to provide excellent services to enhance the quality of life for our entire community

Chairperson Sullivan closed the public hearing.

Chairperson Sullivan inquired if due diligence is done on the applicant and operating history. Director Huntley replied that when these types of applications come in staff will circulate it to the police department and the police department will go through and vet it.

Attorney Berger stated that background checks are required of the applicants, including a permit history.

Action Taken: The Planning Commission **approved** the requested conditional use permit for a massage establishment for 109 North Sierra Vista Street.

Motion: Moved, by Commissioner Robinson and seconded by Commissioner Choi, motion carried by the following vote:

Ayes: Commissioners: Sullivan, Robinson, Amador, Choi, and Brossy de Dios
Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: None

[4.] OLD BUSINESS: None

[5.] NEW BUSINESS: None

[6.] COMMISSION COMMUNICATIONS AND MATTERS:

Commissioner Choi requested that the Planning Commission consider expanding the public notification radius from 300 feet to 500 feet and increasing language access by a certified translator, similar to ballot mailings. He stated to provide a survey including cost.

[7.] STAFF COMMUNICATIONS AND MATTERS:

ADJOURNMENT:

There being no further business for consideration, the Planning Commission meeting was adjourned at 9:00 p.m.

Next regular scheduled meeting on March 27, 2018 at 7:00 p.m. in the Council Chambers.

Michael A. Huntley
Director of Community and Economic Development

MISSION STATEMENT

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